UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Marine Polymer Technologies, Inc.

v. Civil No. 06-cv-100-JD

HemCon, Inc.

O R D E R

On March 26, 2009, the court issued a procedural order in which it explained that the pending motions for summary judgment raised a claim construction issue that would have to be addressed before the motions could be resolved and that the trial scheduled to begin in July of 2009 would be continued to a date to be determined after claim construction. The court also set a briefing schedule for claim construction. Neither party filed a motion for reconsideration.

On April 21, 2009, Marine Polymer filed a "Response to the Procedural Order Concerning Claim Construction," and a "Motion to Set Trial Schedule." Both the Response and the Motion to Set Trial Schedule seek reconsideration of the court's March 26, 2009, procedural order. Motions for reconsideration, however, absent circumstances that have not been shown here, must be filed within ten days of the challenged order. LR 7.2(e). Therefore, both the Response and the Motion to Set Trial Schedule are

untimely to the extent they contest matters decided in the court's procedural order issued on March 26, 2009.

Conclusion

For the foregoing reasons, the plaintiff's motion to set trial schedule (document no. 130) is denied. If the plaintiff intended to have the "Response to the Procedural Order Concerning Claim Construction" considered as its memorandum on claim construction, the plaintiff shall file a notice to clarify the purpose of the Response on or before **May 1, 2009**, which is the deadline for filing claim construction memoranda.

SO ORDERED.

Joseph A. DiClerico, Jr.
United States District Judge

April 23, 2009

cc: Julie M. Baher, Esquire
Daniel R. Johnson, Esquire
Joseph A. Kromholz, Esquire
Richard B. McNamara, Esquire
Lynda Q. Nguyen, Esquire
Brian M. Poissant, Esquire
Daniel D. Ryan, Esquire
Ognian V. Shentov, Esquire
Jonathan M. Shirley, Esquire
Daniel E. Will, Esquire
Leigh S. Willey, Esquire